FILED

MAY 2 2 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8457

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
v.	COMPLAINT FOR VIOLATION OF
Mario Adan COBIAN (1),	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Lizett MONTIEL-Martinez (2), Defendants.	

The undersigned complainant being duly sworn states:

That on or about May 21, 2008, within the Southern District of California, defendants Mario Adan COBIAN and Lizett MONTIEL-Martinez did knowingly and intentionally import approximately 25.42 kilograms (55.92 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd, DAY OF MAY 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Mario Adan COBIAN
Lizett MONTIEL-Martinez

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon Wood.

On May 21, 2008, at approximately 2119, Mario Adan COBIAN and Lizett MONTIEL-Martinez entered the United States at the Calexico, California West Port of Entry (POE). COBIAN was the driver 1999 Ford Explorer with Mexican license plate number BDW9004. Lizett MONTIEL-Martinez was the sole passenger of the vehicle.

Customs and Border Protection Officer (CBPO) M. Aguilar was manning primary lane four (4) when the 1999 Ford Explorer approached his lane. The driver of the vehicle, Mario Adan COBIAN presented his California identification card and the passenger, Lizett MONTIEL-Martinez presented an Alternative Education identification. COBIAN stated to CBPO M. Aguilar that the vehicle was his grandfather's vehicle. CBPO M. Aguilar noticed that COBIAN would not sit still during the inspection of the vehicle. CBPO M. Aguilar noticed that there was only one key on the key ring and that the vehicle was clean and free of personal affects. CBPO M. Aguilar decided to refer the vehicle and both occupants to the vehicle secondary lot for more intensive inspection.

In the vehicle secondary lot, Customs and Border Protection Canine Enforcement Officer (CEO) M. McGee was conducting a lot sweep with his Narcotics Human Detector Dog (NHDD) when his NHDD alerted to the driver's side wheel well and the gas tank area of the vehicle dash area. CEO M. McGee notified CBPO H. Flores of his HNDD' s alert.

In the vehicle secondary lot, CBPO H. Flores obtained a negative Customs declaration from COBIAN. COBIAN stated to CBPO that his purpose for going to Mexico was to eat tacos. COBIAN stated that the vehicle belonged to his aunt.

CBPO H. Flores asked COBIAN to exit the vehicle and open the hood of the vehicle. CBPO H. Flores noticed that COBIAN was looking around a lot as he exited the vehicle. Upon further inspection of the vehicle, CBPO H. Flores noticed that the screws on the gas tank had been tampered with. CBPO H. Flores also noticed that the spare tire for the vehicle was oversized and hard. BPO H. Flores made a small inscision in the spare tire and noticed a brown package. CBPO H. Flores probed the package which produced a green, leafy substance that field tested positive for marijuana. The fuel tank of the vehicle was removed and inspected and produced more packages. The total weight of the packages from the gas tank and the spare tire was 25.42 kilograms (55.92 pounds).

Special Agent (SA) Brandon Wood placed COBIAN and MONTIEL under arrest for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. COBIAN and MONTIEL were advised of their Constitutional Rights, per Miranda, which they acknowledged and waived.

COBIAN admitted knowledge that a controlled substance was concealed within the vehicle. COBIAN stated to SA Wood that he thought the smuggling organization would pay him $2000 to $3000 to smuggle the controlled substance into the United States.

MONTIEL admitted knowledge that a controlled substance was concealed within the vehicle.

COBIAN and MONTIEL were processed, booked, and transported to Imperial County Jail.